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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/566,910	06/01/2006	Franz Kresse	2293USWO	4210
43896	7590	05/02/2008		
ECOLAB INC. MAIL STOP ESC-F7, 655 LONE OAK DRIVE EAGAN, MN 55121			EXAMINER CHIN, RANDALL E	
			ART UNIT 3723	PAPER NUMBER
			MAIL DATE 05/02/2008	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

## Application No.

10/566,910

## Applicant(s)

KRESSE ET AL.

## Examiner

Randall Chin

## Art Unit

3723

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 05 February 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 14-22 and 24-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 14, 15, 21 and 24-33 is/are rejected.
- 7) ☒ Claim(s) 16-20 and 22 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 February 2008 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Specification*

1. The disclosure is objected to because of the following informalities:

On p. 13, lines 4-8, **with reference to Fig. 8**, the recitation "...which shows position fixing means **13'**..." makes the description unclear since Fig. 8 does not show or include reference numeral **13'** (emphasis added).

Appropriate correction is required.

### *Claim Objections*

2. Claim 25 is objected to because of the following informalities: In claim 25, the recitation that the edges of the knitted fabric are "not hemmed" should instead be recited positively as opposed to being a negative limitation. Appropriate correction is required.

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 14, 15, 21, 24-27, 29, 30, 32 and 33 are rejected under 35 U.S.C. 102(b) as being anticipated by Kresse et al. 5,887,311 (hereinafter Kresse).

As for claim 14, Kresse teaches a mop cover 2 for a mopping device 1, comprising a first backing textile 5, 6 having longitudinal edges and transversal edges and having a mopping side (Fig. 2), which is active in cleaning, and a top side, which is used to attach the mop cover 2 to a mop holder of a mopping device 1, wherein attachment means 3 for a mop holder are provided on the top side of the first backing textile 5, 6, and a second backing textile at either edge 4 laterally next to the first backing textile 5, 6 at one of the longitudinal edges of the first backing textile, said second backing textile having a mopping side (Fig. 2) and a top side free of attachment means for a mop holder.

As for claim 15, a further active layer forming a third mopping side is positioned on the top side of the second backing textile at 4.

As for claim 21, the seam or binding is deemed separating section is provided as a liquid-impermeable separating layer (at least to a very slight degree at the least) between the further active layer and the second backing textile.

As for claim 24, the first and second backing textiles are knitted fabric (col. 5, lines 54-66).

As for claim 25, the edges of the knitted fabric are not hemmed.

As for claim 26, the edges of the first and second backing textiles comprise trimming.

As for claim 27, the trimming is a loop-forming material (col. 5, lines 54-66).

As for claim 29, the first and second backing textiles are polyester (col. 5, lines 57-66).

As for claim 30, one of the lateral edges (bottom view shown in Fig. 2) is deemed a gliding assistance strip located on the mopping side of either the first backing textile or the second backing textile.

As for claim 32, the first and second backing textiles are separate parts fixedly connected (Fig. 2).

As for claim 33, the first and second backing textiles comprise a unitary "enlarged" (merely a relative expression) backing textile (Fig. 2).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 28 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kresse.

As for claim 28 reciting that the first and second backing textiles are microfiber, such material is old and well known for its soft and non-abrasive cleaning characteristics and it would have been obvious to one of ordinary skill in the art to have modified the mop cover to provide such microfiber material for its well known soft and non-abrasive cleaning capabilities.

As for claim 31, the use of felt (note Kresse already teaches use of polyester in col. 5, lines 64-67) is well known and obvious for its well known soft and non-abrasive cleaning capabilities. Felt material is a commonly used material in the cleaning art for and yields the predictable result of improved dusting and cleaning capabilities.

***Allowable Subject Matter***

7. Claims 16-20 and 22 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Randall Chin whose telephone number is (571) 272-1270. The examiner can normally be reached on Monday through Thursday and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Hail can be reached on (571) 272-4485. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Randall Chin/  
Primary Examiner, Art Unit 3723

